

Message Text

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ACTION EA-14

INFO OCT-01 ADP-00 CIAE-00 DODE-00 NSAE-00 NSCE-00 SSO-00

USIE-00 CCO-00 INRE-00 PM-09 H-02 INR-10 L-03 NSC-10

PA-03 RSC-01 PRS-01 SS-15 DPW-01 AID-20 IO-12 RSR-01

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O 170315 Z MAY 73

FM AMEMBASSY SAIGON

TO SECSTATE WASHDC IMMEDIATE 1776

INFO USDEL JEC PARIS IMMEDIATE

UNCLAS SECTION 1 OF 2 SAIGON 08692

E. O. 11652 N/A

TAGS: PINT, PFOR, VS

SUBJECT: TPJMC: PRIVILEGES AND IMMUNITIES

REF: STATE 8578

1. AT MAY 16 PRESS CONFERENCE GIVEN IN SAIGON BY RVN DELEGATION TO TWO PARTY JOINT MILITARY COMMISSION, TEXT WAS DISTRIBUTED OF TRANSLATION OF CURRENT RVN DEL DRAFT ON PRIVILEGES AND IMMUNITIES. TEXT FOLLOWS:

PRIVILEGES AND IMMUNITIES

1. EACH PARTY SHALL DO ITS UTMOST TO ENSURE MAXIMUM SAFETY FOR ALL PERSONNEL OF MILITARY DELEGATIONS TO THE JMC AT ALL LEVELS WHETHER THEY ARE IN THEIR OFFICES OR OUTSIDE PERFORMING THEIR MISSIONS. THE ENSURANCE OF SAFETY SHALL NEITHER HAMPER NOR DELAY REGULAR ACTIVITIES OF THE DELEGATIONS TO THE JMC AT ALL LEVELS.

2. EACH PARTY SHALL TAKE MEASURES TO HELP OFFICIAL MEMBERS OF EACH DELEGATION, AT THE DISCHARGE OF THEIR TASK, ENJOY IMMUNITIES ON BODY, HEADQUARTERS, DOCUMENTS, MAIL, COMMUNICATION AND TRANSPORTATION FACILITIES WITHIN THE LIMIT OF PRIVILEGES STIPULATED.

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LATED BY INTERNATIONAL AGREEMENTS EACH PARTY HAS SIGNED IN. IN CASE NO SUCH AGREEMENTS HAVE BEEN SIGNED, INTERNATIONAL PRACTICE SHOULD BE OBSERVED, ON A MUTUAL BASIS, PROVIDED THAT IT COMPLIES WITH THE CURRENT NATIONAL LAWS AND DOES NOT UNDERMINE THE COMMON SECURITY.

3. EACH MILITARY DELEGATION, BASED ON MISSION REQUIREMENTS COMMON TO THE TWO- PARTY JMC OR PECULIAR TO ITS OWN DELEGATION, WILL NOMINATE A LIAISON OFFICER TO INSPECT SUBORDINATE LEVELS AND TO REPORT TO SUPERIOR LEVELS WITHIN THAT DELEGATION TO THE TWO- PARTY JMC AT THOSE LOCATIONS NOTED IN THE PROTOCOL CONCERNING THE ORGANIZATION OF THE TPJMC.

A DELEGATION REQUIRING MOVEMENT OF PERSONNEL MUST GIVE PRIOR NOTIFICATION AS TO THE NUMBER OF PASSENGERS, NUMBER OF PERSONNEL TO BE REPLACED AND OF NEW COMERS, PLACE OF DEPARTURE AND DESTINATION IN ORDER TO FACILITATE ARRANGEMENTS FOR THE PROPER TRANSPORTATION ASSETS.

4. PERSONNEL OF THE MILITARY DELEGATIONS TO THE TPJMC AT ALL LEVELS ARE AUTHORIZED TO CONTACT PERSONNEL OF DELEGATIONS TO THE TPJMC AND ICCS, AND VICE VERSA, THE DELEGATIONS TO THE ICCS ARE FREE TO CONTACT THE TPJMC DELEGATIONS.

5. EACH PARTY WILL APPOINT A PRESS OFFICER TO DISCUSS, IN ACCORDANCE WITH THE PRINCIPLE OF UNANIMITY, THE OPERATIONAL PROCEDURES FOR DEALING WITH MATTERS RELATED TO THE TWO PARTIES.

AREAS OF ACTIVITIES OF THE REGIONAL AND LOCAL TEAMS

6. THE AREAS OF ACTIVITIES OF THE REGIONAL TWO- PARTY JMC' S AND TEAMS ARE DEFINED IN THE PROTOCOL CONCERNING THE ORGANIZATION OF THE TPJMC.

FLAGS AND ARMBANDS.

7. FLAGS AND ARMBANDS SHALL BE MADE OF ORANGE COLORED MATERIAL WITH THE NUMERAL 2 IN BLACK. TPJMC FLAGS WILL BE FLOWN IN FRONT OF JMC HEADQUARTERS AND HEADQUARTERS OF THE MILITARY DELEGATIONS. FLAGS SHALL BE 1.9 METER LONG, 1 METER WIDE, AND THE STAFF WILL BE 3 METERS LONG.

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TPJMC FLAGS FLOWN AT THE FRONT OF TRANSPORTATION MEANS WILL BE 50 CM LONG AND 50 CM WIDE.

ARMBAND WILL BE 40 CM LONG AND 10 CM WIDE.

MEDICAL CARE

8. A. EACH PARTY, IN ITS AREA OF CONTROL, SHALL ASSIST THE OTHER MILITARY DELEGATION TO THE TPJMC AT ALL LEVELS, BY PROVIDING IT WITH MEDICAL AND HOSPITAL CARE THAT THE CONCERNED DELEGATION DOES NOT HAVE; FOR INSTANCE, X-RAY, DIAGNOSIS, ETC...
WHITEHOUSE

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INFO OCT-01 ADP-00 AID-20 CIAE-00 DODE-00 NSAE-00 NSCE-00

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B. IN CASE A DELEGATION REQUIRES AN EMERGENCY TREATMENT OR HAS A SERIOUS- STRICKEN PATIENT TO BE EVACUATED, AT THE REQUEST OF THE DELEGATION DOCTOR, TO A LOCAL HOSPITAL FOR TREATMENT, OR TO BE TREATED ON THE SPOT BY ANOTHER DOCTOR, THE CONCERNED LOCAL PARTY IS RESPONSIBLE FOR THE EVACUATION, OR PROVIDING A DOCTOR IN TIME.

C. IN CASE A DELEGATION INTENDS TO EVACUATE A PATIENT TO ITS AREA OF CONTROL, THE LOCAL PARTY SHALL TRY TO PROVIDE PRIORITY EVACUATION MEANS UPON ADVICE OF THE DOCTOR.

D. DELEGATION REQUESTING SUPPORT SHALL CONTACT THE LIAISON OFFICER OF THE OTHER SIDE TO GET THE TELEPHONE NUMBER OF THE STAND-BY DOCTOR.

E. IN CASE A DELEGATION HAS A DEAD PERSON TO BE TAKEN TO ITS AREA OF CONTROL, THE LOCAL PARTY IS RESPONSIBLE FOR THE TRANSPORT AND SHROUDIN THE CORPSE AT A HOSPITAL PENDING TRANSPORTATION, IN COMPLIANCE WITH THE VIETNAMESE CUSTOMS.

9. TRANSMPORTATION

A. THE RVN SHALL PROVIDE AND GUARANTEE THE MAINTENANCE
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OF THE NUMBER OF VEHICLES TO BE USED BY THE TPJMC.

B. THE RVN SHALL GUARANTEE THE AVAILABILITY OF ADEQUATE
AIR- TRANSPORTATION SUPPORT FOR COMMON USE BY THE TPJMC AND
FOR THE DELEGATIONS.

C. THE SUB- COMMISSION ON OPERATIONAL PROCEDURES WILL
DISCUSS THE FLIGHT SCHEDULES FOR THE WEEK IN COMPLIANCE WITH
ITEM 10 OF THE MINUTES.

10. WEEKLY LIAISON TRIPS (TWICE A WEEK) FROM CEN-
TRAL TO REGIONAL LEVEL AND VICE VERSA

A. SAIGON TO HUE, DA- NANG, PLEIKU AND RETURN BY AIR-
CRAFT EVERY TUESDAY AND FRIDAY.

B. SAIGON TO PHAN- THIET, MY- THO, CAN- THO, AND RETURN
BY AIRCRAFT EVERY WEDNESDAY AND SATUURDAY.

C. SAIGON TO BIEN- HOA AND RETURN BY CARS EVERY TUES-
DA AND FRIDAY.

D. SAIGON TO LOC- NINH AND RETURN BY AIRCRAFT TWICE A
WEEK, EVERY MONDAY AND THURSDAY.

11. SAFETY FOR JMC MEANS OF TRANSPORTATION

EACH PARTY MUST PLEDGE THAT ARMED FORCES UNDER ITS COM-
MAND HAVE BEEN INSTRUCTED TO OBSERVE THE FOLLOWING POINTS TO
ENSURE SAFETY FOR JMC MEANS OF TRANSPORTATION.

A. THE JMC AND ITS TRANSPORTATION MEANS ARE AUTHORIZED
TO GO EVERYWHERE IN SOUTH VIETNAM. ON THE GROUND, ON RIVERS, ON
THE SEA AND IN THE AIR WITHOUT PRIOR NOTIFICATION.

B. JMC PERSONNEL ON MISSION AND TRANSPORTATION MEANS
MUST BE PROTECTED TO THE MAXIMUM. THEY SHALL NOT BE SHOT AT
OR HAMPERED ANYWHERE, ANYTIME.

C. IN CASE ANY JMC PERSONNEL OR TRANSPORTATION MEANS
IS INVOLVED IN AN ACCIDEN T, BOTH PARTIES ARE UNCONDITIONALLY
AUTHORIZED TO ARRIVE AT THE SITE TO PARTICIPATE IN THE RESCUE OPERA-
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TION. THE PARTY PROVIDING MEANS HAS THE PRIORITY TO ARRIVE AT

THE SITE OF THE ACCIDENT AND HAS THE RIGHT TO RENT MEANS FROM
OTHER COUNTRIES IF THE RESCUE MEETS WITH TECHNICAL DIFFICUTIES.

D. EACH APRTY SHALL ASSIGN REPRESENTATIVES TO TAKE PART
IN ACCIDENT INVESTIGATION WITHIN 24 HOURS AFTER RECEPTION OF RE-
QUEST AND ENRURE THE SAFETY OF THE INVESTIGATING TEAMS. THE
VIOLATING PARTY MUST BEAR MENTAL (SIC) RESPONSIBILITY, PAY DAMAGES
TO THE VICTIMS AND COMPENSATE FOR DAMAAGED MEANS OF TRANSPORTA-
TION. END TEXT.

2. COMMENT BY SEPTTEL.
WHITEHOUSE

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